

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)	
)	Chapter 11
)	
WESTMORELAND COAL COMPANY, <i>et al.</i> , ¹)	Case No. 18-35672 (CML)
)	(Jointly Administered)
Reorganized Debtors.)	
)	

**STIPULATION AND AGREED REPORT AND RECOMMENDATION TO
WITHDRAW THE REFERENCE BETWEEN THE UNITED STATES TRUSTEE
AND JACKSON WALKER LLP
[RELATES TO ECF Nos. 3360 & 3361]**

WHEREAS on November 2, 2023 the United States Trustee (the “UST”) filed his *Motion for Relief from Judgment or Order Pursuant to Federal Rule of Civil Procedure 60(b)(6) and Federal Rule of Bankruptcy Procedure 9024 Approving Any Jackson Walker Applications for Compensation and Reimbursement of Expense* [ECF No. 3360] (the “**Rule 60 Motion**”);

WHEREAS on the same day the UST filed his *Motion for Withdrawal of the Reference and Referral of Motion for Relief under Rule 60(b)(6) and Related Matters* [ECF No. 3361] (the “**Motion to Withdraw**”) requesting that Rule 60 Motion be withdrawn pursuant to 28 U.S.C. § 157(d);

WHEREAS the UST and Jackson Walker LLP (“**Jackson Walker**”) (the UST and Jackson Walker, collectively, the “**Parties**”) consent to the withdrawal of the reference of the Rule 60 Motion, together with all matters related to the Rule 60 Motion, to the District Court for the Southern District of Texas;

¹ Due to the large number of debtors in these chapter 11 cases, for which joint administration has been granted, a complete list of the debtors and the last four digits of their tax identification, registration, or like numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent in these chapter 11 cases at www.donlinrecano.com/westmoreland. Westmoreland Coal Company’s service address for the purposes of these chapter 11 cases is 9540 South Maroon Circle, Suite 300, Englewood, Colorado 80112.

WHEREAS the Parties request that the Court recommend withdrawal of the reference, and issue an order permitting continued discovery on the Rule 60(b) Motion but delay further briefing on the merits of the Rule 60(b) Motion until after the District Court rules on the Motion to Withdraw.

Accordingly, upon the request and agreement of the Parties, it is therefore **RECOMMENDED THAT:**

1. Pursuant to 28 U.S.C. § 157(d), the Court recommends that the Rule 60 Motion be withdrawn to the District Court for the Southern District of Texas.

It is ORDERED THAT:

2. The Parties may continue to engage in discovery with respect to the Rule 60(b) Motion.

3. Pursuant to Federal Rule of Bankruptcy Procedure 5011, further briefing on the merits of the Rule 60 Motion shall be stayed pending the District Court for the Southern District of Texas's adoption of this report and recommendation or other disposition of the Motion to Withdraw.

Signed on this ____ day of _____, 2023.

United States Bankruptcy Judge

NORTON ROSE FULBRIGHT US LLP

By: /s/ Jason L. Boland
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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas on all parties registered to receive such service.

/s/ Jason L. Boland
Jason L. Boland